

# EXHIBIT

# X

**DEPOSITION OF BOBBY E. ABRAMS, JR.**

**January 24, 2006**

**Pages 1 through 75**

**CONDENSED TRANSCRIPT AND CONCORDANCE  
PREPARED BY:**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MELVIN LOWE,  
Plaintiff/Petitioner,  
Vs. CIVIL ACTION NO.  
2:05-CV-0495

MONTGOMERY COUNTY BOARD  
OF EDUCATION,

Defendant/Respondent.

\*\*\*\*\*

DEPOSITION OF BOBBY E. ABRAMS, JR., taken

pursuant to stipulation and agreement before

Patricia G. Starkie, Registered Diplomat Reporter,

CRR, and Commissioner for the State of Alabama at

Large, in the Law Offices of Hill, Hill, Carter,

Franco, Cole & Black, 425 South Perry Street,

Montgomery, Alabama, on Tuesday, January 24, 2006,

commencing at approximately 11:25 a.m.

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# STIPULATION

It is hereby stipulated and agreed by and  
between counsel representing the parties that the  
deposition of:

BOBBY E. ABRAMS, JR.

is taken pursuant to the Federal Rules of Civil  
Procedure and that said deposition may be taken  
before Patricia G. Starkie, Registered Diplomat  
Reporter, CRR, and Commissioner for the State of  
Alabama at Large, without the formality of a  
commission;

That objections to questions other than  
objections as to the form of the question need not  
be made at this time but may be reserved for a  
ruling at such time as the said deposition may be  
offered in evidence or used for any other purpose  
by either party provided for by the Statute.

It is further stipulated and agreed by and  
between counsel representing the parties in this  
case that the filing of said deposition is hereby  
waived and may be introduced at the trial of this  
case or used in any other manner by either party  
hereto provided for by the Statute regardless of

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## APPEARANCES

### FOR THE PLAINTIFF:

William F. Patty, Esq.  
Tanya E. Dugas, Esq.  
BEERS, ANDERSON, JACKSON  
PATTY & VAN HEEST  
Attorneys at Law  
250 Commerce Street  
Montgomery, Alabama

### FOR THE DEFENDANT:

Elizabeth B. Carter, Esq.  
HILL, HILL, CARTER, FRANCO  
COLE & BLACK  
Attorneys at Law  
425 South Perry Street  
Montgomery, Alabama  
ALSO PRESENT:  
Mr. Melvin Lowe  
Mr. Jimmy Barker

\*\*\*\*\*

## EXAMINATION INDEX

BOBBY E. ABRAMS, JR.  
BY MS. DUGAS 4

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(No exhibits were marked to this deposition)

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the waiving of the filing of the same.

It is further stipulated and agreed by and  
between the parties hereto and the witness that the  
signature of the witness to this deposition is  
hereby waived.

\*\*\*\*\*

BOBBY E. ABRAMS, JR.,

The witness, after having first been duly  
sworn to speak the truth, the whole truth and  
nothing but the truth testified as follows:

## EXAMINATION

BY MS. DUGAS:

Q. Mr. Abrams, I'm Tanya Dugas, representing  
Mr. Lowe.

Could you tell us your name, please.

A. Bobby E. Abrams, Jr.

Q. And Mr. Abrams, what is your address?

A. 1470 Pampas, Montgomery, Alabama 36117.

Q. And what is your date of birth, please?

A. 4/12/67.

Q. And your social security number?

A. 366-90-0449.

Q. Are you married?

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<p>1 A. Yes.</p> <p>2 Q. And what is your wife's name?</p> <p>3 A. Stephanie.</p> <p>4 Q. Do you have any children over the age of</p> <p>5 19?</p> <p>6 A. No.</p> <p>7 Q. Do you have any children?</p> <p>8 A. Three.</p> <p>9 Q. And what is your educational background?</p> <p>10 A. I received my bachelor's from the</p> <p>11 University of Michigan in general studies.</p> <p>12 Also received my teaching certification</p> <p>13 from the University of Michigan in 1990. I</p> <p>14 received my master's in education</p> <p>15 administration from Alabama State, and I'm</p> <p>16 currently finishing up on my EDS degree,</p> <p>17 educational specialist degree, in</p> <p>18 administration from Alabama State.</p> <p>19 Q. Okay. When did you receive your master's</p> <p>20 in administration?</p> <p>21 A. I think it was 2000. 2001.</p> <p>22 Q. Okay. And you said you're currently</p> <p>23 working on your EDS?</p>	<p>1 central Alabama?</p> <p>2 A. My mother is here. My sister is here in</p> <p>3 Montgomery.</p> <p>4 Q. What's the last names for your mother and</p> <p>5 sister?</p> <p>6 A. Abrams.</p> <p>7 Q. Your sister as well?</p> <p>8 A. Yes.</p> <p>9 Q. And I know that you said you got your</p> <p>10 teaching certificate in Michigan in 1990.</p> <p>11 Do you currently hold an Alabama teaching</p> <p>12 certificate?</p> <p>13 A. Yes.</p> <p>14 Q. When did you receive that?</p> <p>15 A. '97.</p> <p>16 Q. And I take it when you got your master's in</p> <p>17 administration, you received an</p> <p>18 administrative certificate?</p> <p>19 A. Yes.</p> <p>20 Q. That was 2001?</p> <p>21 A. Yes.</p> <p>22 Q. Do you hold any other certificates?</p> <p>23 A. No.</p>
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<p>1 A. Finishing up, yes.</p> <p>2 Q. When will you finish that?</p> <p>3 A. Hopefully, a year ago. I'm actually</p> <p>4 talking with Dr. Stewart, a professor at</p> <p>5 the school now, and trying to work</p> <p>6 something out so I can go ahead and finish</p> <p>7 this term, by May of '06.</p> <p>8 Q. Okay. Have you ever given any deposition</p> <p>9 testimony before?</p> <p>10 A. Not like this, no. Not where I had to</p> <p>11 swear in, so I guess no, I haven't.</p> <p>12 Q. Okay. Have you ever been sued?</p> <p>13 A. No.</p> <p>14 Q. Have you ever sued anyone?</p> <p>15 A. No.</p> <p>16 Q. Were you in the military?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been arrested?</p> <p>19 A. Yes.</p> <p>20 Q. What's the charge?</p> <p>21 A. I received a DUI in Georgia, I want to say</p> <p>22 '94, '95.</p> <p>23 Q. Okay. Do you have any relatives in south</p>	<p>1 Q. Okay. And other than Michigan, is there</p> <p>2 any other state that you hold --</p> <p>3 Is your Michigan certificate current?</p> <p>4 A. It's not current. It lapsed, I guess, in</p> <p>5 '97 when I transferred everything to</p> <p>6 Alabama.</p> <p>7 Q. Do you hold any teaching certificates in</p> <p>8 any other states other than Alabama?</p> <p>9 A. No.</p> <p>10 Q. Could you tell us a little about your</p> <p>11 employment history, please.</p> <p>12 A. I started teaching in '97 at</p> <p>13 Southside-Selma, Southside High School,</p> <p>14 where I taught history and coached football</p> <p>15 there for three years. After being in</p> <p>16 Selma, I left and I went to Tallassee, and</p> <p>17 I taught history and coached football there</p> <p>18 at Tallassee High School for two years.</p> <p>19 Q. So you would have gone to Tallassee --</p> <p>20 You were at Selma from '97 to 2000?</p> <p>21 A. 2000.</p> <p>22 Q. And then you left Tallassee in --</p> <p>23 A. I was in Tallassee at the high school for</p>

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1 two years, and then I became assistant  
 2 principal at Southside Middle School in  
 3 Tallassee for two years. So I was actually  
 4 in Tallassee city schools for four years.  
 5 Q. Okay.  
 6 A. Two years as a teacher/coach and two years  
 7 as assistant principal.  
 8 Q. So was that 2002 when you were assistant  
 9 principal?  
 10 A. Yes.  
 11 Q. Okay. All right. And after --  
 12 A. From Southside assistant principal in  
 13 Tallassee city schools, I became principal  
 14 here in Montgomery public schools for  
 15 Walter T. McKee Junior High School, and  
 16 this is my second year as principal there.  
 17 Q. So 2004-2005 would have been your first  
 18 school year?  
 19 A. Yes.  
 20 Q. Okay.  
 21 A. First school year here.  
 22 Q. That's -- I'm sorry. Your first year here  
 23 at McKee?

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1 A. Right.  
 2 Q. Okay. What process did you go through to  
 3 obtain the principal job at McKee?  
 4 A. Filled out the application.  
 5 Q. How did you learn about the job, first of  
 6 all?  
 7 A. I think just hearsay. It wasn't -- I think  
 8 there were several jobs open, to be open  
 9 for the beginning of the school year. I  
 10 had talked to Macon County about a job and  
 11 I had talked to Montgomery Public Schools  
 12 about a job and wanted to be in Montgomery  
 13 because that's where my wife and I have  
 14 lived since '91. And I was called for an  
 15 interview, and I interviewed and received  
 16 the job.  
 17 Q. Okay. When you said you talked to Macon  
 18 and you talked to Montgomery about the job,  
 19 was this before your interview?  
 20 A. During my research -- yeah, before the  
 21 interview.  
 22 Q. So you called someone at Montgomery County  
 23 Schools to inquire about the job?

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1 A. Right. Get an application on file.  
 2 Q. Okay. Do you recall who you spoke with?  
 3 A. I'm not sure. Maybe central office,  
 4 secretary.  
 5 Q. And your interview that you did, was it a  
 6 panel interview?  
 7 A. Yes.  
 8 Q. Was this conducted at the central office  
 9 or --  
 10 A. Yes.  
 11 Q. Do you remember who was present in that  
 12 interview?  
 13 A. I think Mike Looney was present. I think  
 14 Mr. Barker was present. Maybe Carolyn  
 15 Hicks.  
 16 Q. Okay.  
 17 A. Maybe a couple more people. I can't  
 18 remember. It was a handful of people there  
 19 at the table.  
 20 Q. After your interview process, after your  
 21 interview at the central office, what  
 22 happened next? Did you do any face-to-face  
 23 interviews with anyone?

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1 A. No.  
 2 Q. Did you have any follow-up phone calls with  
 3 anyone?  
 4 A. No.  
 5 Q. Okay. Do you remember how long it was  
 6 before you found out that you would be  
 7 offered the job as principal at McKee?  
 8 A. I think it was within that month. Within a  
 9 few weeks, I would imagine.  
 10 Q. Have you ever been a part of a hiring  
 11 committee?  
 12 A. Yes, as far as my school, hiring teachers.  
 13 Q. Okay. So do you have a committee for  
 14 hiring teachers at your school, at McKee?  
 15 A. Usually what I try to do at McKee is we try  
 16 to get a group, maybe assistant principal,  
 17 maybe a counselor, maybe a lead teacher to  
 18 sit in on interviews, and we have a  
 19 ten-question sheet that we round robin,  
 20 rapid fire ask them. Well, pretty much the  
 21 same process that I went through as  
 22 principal and the same process that I  
 23 learned in Tallassee that they use. In



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1 fact, some of the questions that I use with  
2 my teachers are the same questions I got  
3 from my workings with Tallassee in  
4 Tallassee.  
5 Q. So every candidate, even with your  
6 teachers, is asked the same questions?  
7 A. Same questions. I attempt to do that.  
8 Sometimes you can't get the full  
9 committee. Sometimes it's one person,  
10 sometimes it's three or four people,  
11 sometimes it's just myself.  
12 Q. Okay. Have you ever been part of a hiring  
13 committee at MPS for an assistant principal  
14 position?  
15 A. At MPS what was done was the principals who  
16 needed an assistant principal were called  
17 in to sit at the table. The actual  
18 interview process was done through central  
19 office personnel asking the person  
20 questions. Pretty much the principals just  
21 sat at the table and took notes and maybe  
22 50 people came in in a two-day process and  
23 the principals there would take notes and

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1 call those people for a second interview to  
2 hire them.  
3 Q. So how many of these interview sessions  
4 with the principals did you take part in?  
5 A. Most of them. I was there --  
6 Q. Do you remember how many there were? I  
7 guess that would be a better question.  
8 A. Maybe 30 or more.  
9 Q. Thirty or more applicants came through and  
10 were interviewed?  
11 A. Roughly, yes.  
12 Q. Were the interviews conducted on multiple  
13 days?  
14 A. Yes.  
15 Q. Do you remember how many days of the  
16 interviews there were?  
17 A. I think it was two days. Two-day process.  
18 Q. Okay. Did you hire -- were you in need of  
19 an administrative assistant then?  
20 A. Yes.  
21 Q. Are there any reading or math coaches at  
22 McKee?  
23 A. We don't have any reading or math coaches

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1 at McKee. We have a Title I person at  
2 McKee, Betty Ransom, who works with our  
3 reading program, direct instruction, New  
4 Century lab, and works with the teachers.  
5 She's called our Title I lead teacher is  
6 what her job description is.  
7 Q. Okay. Now, does Ms. Ransom work with the  
8 students or the teachers?  
9 A. Both.  
10 Q. Both?  
11 A. Yes.  
12 Q. So does she have one-on-one sessions with  
13 students?  
14 A. Yes, for our STAR testing, for our AR  
15 program, for direct instruction testing to  
16 determine the reading level of the child.  
17 There's maybe a two, three-minute reading  
18 test that she would sit down and go over  
19 with them.  
20 Q. Okay. And what is her interaction with the  
21 teachers?  
22 A. With the teachers her interaction has been  
23 talking to them about how to teach direct

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1 instruction, organizing classrooms, the  
2 class numbers. She's worked with me in the  
3 summertime as far as scheduling is  
4 concerned, the number of direct instruction  
5 classes that we have at the school.  
6 Q. Does she kind of supervise the lesson plan  
7 of the teachers or does she have input into  
8 the teacher's lesson plan?  
9 A. Not for reading. Pretty much the direct  
10 instruction packet that we have from the  
11 school system allows for the teacher to  
12 lesson plan themselves. With their lesson  
13 plans at McKee, they will simply write in  
14 direct instruction, students will work on  
15 whatever reading chapter they're on.  
16 Q. What was the process by which Betty Ransom  
17 was hired at McKee? Did you interview her?  
18 A. She was there when I got there.  
19 Q. Okay. Do you know what the hiring process  
20 is for reading teachers or -- I mean,  
21 reading coaches? I'm sorry.  
22 A. No. Ordinarily, I would imagine if it's a  
23 position for the school system, you would

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1 go through the same way as any position.  
2 Her title is not reading coach or reading  
3 teacher. Her title is lead teacher and her  
4 funds are paid through Title I funds that  
5 we receive.  
6 Q. Okay.  
7 A. It just so happens that that's -- because  
8 of her interaction with the New Century  
9 lab, and that's a reading and math remedial  
10 program, she was trained to work that  
11 program. She also helps with direct  
12 instruction.  
13 Q. Okay. Do you know, just as a principal,  
14 what the process would be if you were to --  
15 if the reading coach hiring process is  
16 different from, let's say, hiring a teacher  
17 for the school?  
18 MS. CARTER: Object to the form.  
19 You can answer when I say  
20 that.  
21 THE WITNESS: Say again?  
22 MS. CARTER: You can answer the  
23 question.

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1 position open, the job would be posted?  
2 A. Right.  
3 Q. Once the job is posted, applications would  
4 go to --  
5 A. Central office.  
6 Q. -- central office?  
7 A. Right.  
8 Q. Are you of the opinion that someone at  
9 central office does an interview of these  
10 applicants before you find out who they are?  
11 A. I would think that someone in central  
12 office would talk to them, make sure the  
13 application is straight. I know they have  
14 to do the fingerprints and the whole -- the  
15 whole process.  
16 Q. Okay. So all of this is done before the  
17 teacher would get to you, before you would  
18 interview?  
19 A. Yes.  
20 Q. Okay. What would happen after you  
21 interview this individual? What's the next  
22 step?  
23 A. After I --

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1 A. I would think it would be an ordinary  
2 process. You would advertise the position,  
3 people would fill out the application,  
4 people would be called in on the interview,  
5 and a list would go out to the principal,  
6 hey, we've interviewed this many people.  
7 If you need a reading coach, here's a  
8 reading coach list or a science teacher  
9 list or a special education list. And from  
10 that list, principals would call those  
11 people in and interview them.  
12 Q. Now, for teachers, does the central office  
13 interview prior to the principal  
14 interviewing the candidates?  
15 A. I believe there is a screening, a question  
16 and answer period that the teachers go  
17 through. The list that we receive, I'm of  
18 the opinion that everyone on here on this  
19 list is qualified to teach and everyone on  
20 this list can be interviewed for that  
21 particular position.  
22 Q. Okay. So for a teacher position at McKee,  
23 and, say, you've got a math teacher

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1 MS. CARTER: Are we still on  
2 hiring a reading coach?  
3 MS. DUGAS: Just hiring a  
4 teacher. No, we're talking  
5 about, I think, a math  
6 teacher.  
7 A. I would go through an interview process,  
8 run through my ten questions, make a  
9 decision on that person. If that person  
10 was one I wanted to recommend, I would  
11 e-mail Mr. Barker my recommendation for  
12 that teacher. I believe then someone in  
13 central office would either contact that  
14 person or I would contact that person and  
15 say, report down to central office to fill  
16 out more paperwork, sign -- I guess to  
17 actually sign a contract, so forth.  
18 Q. Okay. Now, after you've done the interview  
19 process for the teachers, do you narrow it  
20 down to one candidate that you would like  
21 to fill that position?  
22 A. Ultimately, yes. Sometimes if I have an  
23 interview panel, we ask for the top three

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1 and I would make a decision on that.  
 2 Q. So would you make a decision -- if the  
 3 interview panel comes back with the top  
 4 three, would you make a decision prior to  
 5 making a recommendation to Mr. Barker?  
 6 A. Yes, on that top three. I would pick one,  
 7 and the one that I pick I would recommend  
 8 to Mr. Barker for employment.  
 9 Q. So you give one person as a recommendation?  
 10 A. One person, yes.  
 11 Q. And when you e-mail Mr. Barker your  
 12 recommendation, do you submit any kind of  
 13 explanation beyond your -- like to explain  
 14 your choice of this person?  
 15 A. No.  
 16 Q. What exactly would you typically send to  
 17 him if hiring a new teacher?  
 18 A. I would like to recommend the following  
 19 person for employment at Walter T. McKee  
 20 Junior High School for the '05-'06 school  
 21 year, and I would then have the teacher's  
 22 name and math, seventh grade, thank you.  
 23 Q. Simple as that?

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1 A. Yes.  
 2 Q. Okay. Do you keep any documentation of the  
 3 people that you interview for positions at  
 4 the school?  
 5 A. Yes.  
 6 Q. Do you keep it after the position has been  
 7 filled?  
 8 A. Yes.  
 9 Q. Do you keep documentation of  
 10 recommendations that you make to HR?  
 11 A. They should be saved on the computer. I  
 12 haven't looked at that.  
 13 Q. Have you ever encountered a situation in  
 14 your experience as principal where the  
 15 person that you recommended for a position  
 16 was not actually hired by the school board?  
 17 A. No. We had a situation with a math  
 18 teacher. She was recommended, but the  
 19 superintendent from the former -- from her  
 20 school wouldn't release her, so that didn't  
 21 work out. It's my understanding that  
 22 during the summertime several principals  
 23 may recommend a person, and I may not

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1 receive that person. And I think because  
 2 we have Title I schools and there's a  
 3 pressing need to fill positions at the  
 4 Title I schools, Title I schools may get a  
 5 priority over recommending. Say if I  
 6 recommend someone and another principal  
 7 recommends someone, I may get priority  
 8 because of the Title I status that my  
 9 school has.  
 10 Q. Okay. So McKee does have Title I status?  
 11 A. Yes. School wide Title I.  
 12 Q. Okay. I know we touched on this a little  
 13 bit earlier with your telling me about the  
 14 committee, but in the 2004-2005 school  
 15 year, you had an administrative assistant  
 16 position available at your school?  
 17 A. Right.  
 18 Q. Do you know if this position was advertised?  
 19 A. Yes.  
 20 Q. Okay. Did Melvin Lowe express an interest  
 21 in this position?  
 22 A. Yes.  
 23 Q. How did it come about that you were aware

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1 that Mr. Lowe was interested in the  
 2 position?  
 3 A. I talked to Mr. Lowe about the position  
 4 that I had open, and I was aware that he  
 5 was going to interview for the position. I  
 6 guess he was part of the group that came in  
 7 to interview.  
 8 Q. Did you talk to him before the group  
 9 interview, the MPS interview?  
 10 A. Yes.  
 11 Q. Did you call him?  
 12 A. We called each other.  
 13 Q. Okay.  
 14 A. I don't remember if I actually called him  
 15 or he called me, but I know we talked. We  
 16 often talked on the phone.  
 17 Q. So are you and Melvin Lowe friends?  
 18 A. Friends, yes.  
 19 Q. Okay.  
 20 A. Right. We've taken several classes at  
 21 Alabama State together. I know his brother  
 22 very well.  
 23 Q. So did Mr. Lowe interview with MPS in that



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<p>1 group interview for that position that you 2 were in? 3 A. Yes. 4 Q. And what kind of certification is required 5 of a person to serve as an administrative 6 assistant? 7 A. Master's in administration. 8 Q. Okay. Are you aware of whether Mr. Lowe 9 has an Alabama administrative certificate? 10 A. I think he does. 11 Q. Okay. After he -- you said you spoke -- 12 y'all spoke on the phone? 13 A. Yes. 14 Q. And then he interviewed at MPS? 15 A. Right. 16 Q. After he interviewed at MPS, what happened? 17 A. After he interviewed, others interviewed. 18 I made a decision. I called several people 19 for a second interview, and I made a 20 decision based on one of the four people 21 that I called for a second interview. 22 Q. Okay. How long after the initial interview 23 was the second interview?</p>	<p>1 Q. -- individually? 2 A. Yes. 3 Q. Okay. I was understanding you had two. 4 That's why I was confused. 5 A. No. 6 Q. So you interviewed. You chose four people 7 from the MPS committee interview? 8 A. From the pool of applicants. 9 Q. To interview one on one? 10 A. For the second time, yes. 11 Q. Okay. Who were the four people that you 12 interviewed? 13 A. Sonya Floyd, LaMetra James. And I forget 14 his name -- Broderick James -- Roderick. 15 Roderick James and Melissa Williams. 16 Q. Did Melvin Lowe have a one-on-one interview 17 with you about this position? 18 A. Not a second interview, no. 19 Q. Did you talk to Melvin Lowe at any point 20 after his group interview with MPS? 21 A. Yes. We talked several times, I believe. 22 Q. Okay. And what were the contexts of these 23 conversations?</p>
Page 26	Page 28
<p>1 A. Say that again? 2 Q. You said you had an interview and then you 3 called some people back for a second 4 interview. 5 A. Right. 6 Q. What was the time interim? 7 A. Couple of days. 8 Q. And was the first interview with you alone 9 or was that with a panel? 10 A. The first interview was -- 11 Q. That you had at your school. 12 A. Oh, that was with me. I didn't have a 13 panel with those potential candidates. 14 Q. Okay. And how many people did you 15 interview on the initial interview? 16 A. Four on the second interview. 17 Q. Okay. 18 A. The initial interview was done by the 19 central office. 20 Q. Okay. That's where I'm confused. Okay. 21 You had only one interview at your 22 office -- 23 A. Yes.</p>	<p>1 A. I told him he interviewed well. He spoke 2 well. He was very articulate. I had a 3 question about a -- it was a question about 4 a research-based question, a research-based 5 reading program or something that was 6 asked, and I didn't know if it was a 7 research-based program or not. I think it 8 is. I don't know if it was or not. 9 Q. Okay. 10 A. That was -- that was pretty much it, I 11 guess. 12 Q. When you said you had a question about a 13 research-based question -- 14 A. Just whether or not it was a research-based 15 reading program or not. 16 Q. Okay. Were you just seeking clarification 17 from the MPS interview? 18 A. Right. 19 Q. Did you ever express to Mr. Lowe whether or 20 not you were interested in hiring him for 21 that administrative assistant position? 22 A. Yes. 23 Q. And --</p>

<p style="text-align: right;">Page 29</p> <p>1 A. We talked about the possibility of him  2 being hired as an administrative assistant  3 or SIA if I had one or a reading coach if I  4 had one, but it never materialized into an  5 actual interview or recommendation and a  6 hire.  7 Q. Okay. Did you ever speak to Mr. Barker  8 about Melvin Lowe?  9 A. Yes. I had a conversation with Mr. Barker  10 and pretty much just asked --  11 Q. Asked about Melvin?  12 A. Asked about Melvin Lowe. At that time I  13 was trying to get a staff together, and I  14 had some names in my mind and pretty much  15 just throwing those names out at him. He  16 was certainly qualified for the position.  17 Q. Did Mr. Barker tell you that Melvin was  18 qualified for the position?  19 A. Right.  20 Q. Okay. Did he say anything else with regard  21 to Melvin personally or professionally?  22 A. No.  23 Q. Did he express any opinion of Melvin</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Did he ever tell you that you needed to try  2 to balance out --  3 A. No.  4 Q. -- the male-female ratio at the school?  5 A. No.  6 Q. Is Ms. Floyd still currently in that  7 position?  8 A. Yes.  9 Q. Now, in 2005, for the 2005-2006 school  10 year, there was a special ed position  11 available at McKee?  12 A. Uh-huh (positive response). And still is  13 available.  14 Q. It's still available?  15 A. Yes. Well, maybe not that position, but we  16 have one available, yes, still.  17 Q. Did you advertise that this position was  18 available?  19 A. Yes.  20 Q. And did Melvin Lowe express an interest in  21 the special ed position?  22 A. Yes.  23 Q. How did that come about?</p>
<p style="text-align: right;">Page 30</p> <p>1 whatsoever?  2 A. No.  3 Q. Did you ever have any conversations with  4 Clinton Carter about the 2004-2005  5 administrative position?  6 A. No.  7 Q. Who ultimately filled this position at  8 McKee?  9 A. I did.  10 Q. Who did you hire to fill the position?  11 A. Oh. The person chosen was Sonia Floyd.  12 Q. Okay. And did she have an administrative  13 certificate when she was interviewed?  14 A. Yes.  15 Q. Is Ms. Floyd a black female or white  16 female?  17 A. Black female.  18 Q. At any point in your conversation with  19 Mr. Barker about the persons that you had  20 in mind for this administrative assistant  21 position, did he tell you that you needed  22 to hire a female to fill this position?  23 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Simple conversation we had, and I  2 reiterated to him that I had a special ed  3 position. Or -- I think he was asking if  4 there was anything that I had, just to let  5 him know. Hey, I've got a special ed  6 position. He said that he could do special  7 ed; that he could do that position. I told  8 him I would talk to Barker about it and ask  9 about it and see. I had a conversation  10 with Mr. Barker about it, simply asking,  11 hey, special ed position, want to talk to  12 Melvin Lowe about it. Mr. Barker  13 reiterated, you can certainly talk to him.  14 I have to check and see if he's certified  15 special ed. He wasn't certified in special  16 ed, so in another conversation I had with  17 another principal, I came about hiring  18 another person for that position.  19 Q. Okay. Did Mr. Lowe approach you first  20 about whether or not you had positions  21 available? Did you call him or did he call  22 you, do you remember?  23 A. I don't remember who called who first. I</p>

Page 33	Page 35
<p>1 mean, I -- I think I would just pick up the                  2 phone and call him and touch base or he                  3 would pick up the phone and touch base with                  4 me. And I know it was right around the                  5 time I am thinking school was getting ready                  6 to start, and he's looking for a position.                  7 I think that's how the conversation took                  8 place.                  9 Q. And that was my next question. When was                  10 this, like what month? Do you remember                  11 what time frame this was?                  12 A. It had to be before school started. Maybe                  13 August, I would think.                  14 Q. So was it late summer? Was it right before                  15 school started?                  16 A. Right.                  17 Q. Okay. And that was when you contacted                  18 Mr. Barker, and he told you he would have                  19 to check on Melvin Lowe's certification?                  20 A. Right.                  21 Q. Did Mr. Barker ever get back with you as                  22 far as to what Melvin Lowe's certification                  23 was?</p>	<p>1 A. No.                  2 Q. Was anyone ever hired for this position?                  3 A. Yes. Mr. Carlos Cherry.                  4 Q. And did he have a special ed certification?                  5 A. Yes.                  6 Q. Did he have experience teaching special ed?                  7 A. Yes.                  8 Q. You stated that you still have a position                  9 available with special ed. When did that                  10 position come about?                  11 A. I want to say December, I talked to                  12 Mr. Barker about needing an extra person in                  13 special ed. And our student numbers were                  14 low at the school, which resulted in us                  15 losing some teachers last year, and I was                  16 hoping that maybe I could get one of those                  17 positions back in the special ed                  18 department. I believe sometime around                  19 December, Mr. Barker gave me permission                  20 to pursue another person for that position.                  21 Q. And has that position been advertised?                  22 A. I think it has. I hope that it has, yes.                  23 Q. Do you know if anything has been done as</p>
Page 34	Page 36
<p>1 A. Yes.                  2 Q. And what did he tell you?                  3 A. He wasn't certified in special ed. There                  4 had been no certification presented at this                  5 point that he was certified in special ed.                  6 Q. Did he mention anything to you about an                  7 emergency certificate?                  8 A. No.                  9 Q. Are you familiar with the emergency                  10 certification?                  11 A. From what I know of the emergency                  12 certification, a person can be hired -- if                  13 there's an emergency need and there's not                  14 another teacher that can be found, for that                  15 person to be hired. That's what I know of                  16 emergency certification.                  17 Q. Okay. Do you know if it's a long,                  18 drawn-out process or if it's a relatively                  19 simple process?                  20 A. I would think it's relatively simple, but I                  21 don't --                  22 Q. Have you ever hired a teacher under an                  23 emergency certification?</p>	<p>1 far as to secure an individual to fill that                  2 position?                  3 A. I've talked to two people, interviewed two                  4 people for it so far, and I've talked to                  5 another principal about a potential person                  6 today.                  7 Q. Okay. And who was that other principal?                  8 A. Mr. Washington, Lewis Washington at Lanier.                  9 Q. And the two people, the two people that you                  10 interviewed, do they have special ed                  11 certification?                  12 A. Yes.                  13 Q. What about the person that Mr. Washington                  14 recommended?                  15 A. I don't know yet. That's why I was                  16 contacting him, to find out about the                  17 person.                  18 Q. How did you get the names of the two people                  19 that you've already interviewed?                  20 A. I think one maybe called me.                  21 Q. Okay.                  22 A. And maybe -- I don't really remember how I                  23 got the other person. I don't know if it</p>



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1 was Carolyn Hicks who gave me the number or  
 2 Sue Averant. They gave me the number.  
 3 Q. Do you know if either of these people had  
 4 gone through the central office prior to  
 5 your interviewing them?  
 6 A. I would think that they have an application  
 7 on file.  
 8 Q. But do you know one way or the other?  
 9 A. Well, they have an application on file --  
 10 Q. Okay.  
 11 A. -- with the school system, so...  
 12 Q. Okay. You stated one of these people  
 13 called you?  
 14 A. Right.  
 15 Q. Was that after they had completed --  
 16 submitted an application to central office?  
 17 A. I would think, yes. When I interviewed  
 18 them, I was told by them that they have an  
 19 application on file and they are certified  
 20 and taken all that information. I really  
 21 wouldn't know unless I recommended one for  
 22 the position and then the checks were done  
 23 at the central office. Maybe it will come

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1 back, this person doesn't have a file or  
 2 this person doesn't have degrees.  
 3 Q. Okay.  
 4 A. But I would imagine through the central  
 5 office that weeding process has already  
 6 been done. So if it's somebody that they  
 7 gave me, then they should have or would  
 8 have had the information. But the person  
 9 that just called me probably called from  
 10 hearing about the position through  
 11 advertisement or hearsay.  
 12 Q. Have you gotten any kind of list from  
 13 central office about the applicants who  
 14 have expressed interest in this special ed  
 15 position that came available in December?  
 16 A. No. Just a list that I had at the  
 17 beginning of the year.  
 18 Q. Was this the list --  
 19 A. Special ed list.  
 20 Q. Was this the list of applicants who had  
 21 expressed interest in the special ed  
 22 position for which Melvin Lowe applied?  
 23 A. Right.

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1 Q. Okay. Have you considered -- is Melvin  
 2 Lowe's name on this list that you -- for  
 3 the second position?  
 4 A. I don't think that Melvin Lowe's name is on  
 5 the list that I have.  
 6 Q. Okay. I know that you stated that you and  
 7 Mr. Lowe had classes together and are  
 8 friends. Are you aware that his doctorate  
 9 was focused on special education?  
 10 A. No.  
 11 Q. Have you had any conversations with  
 12 Mr. Barker about Melvin Lowe?  
 13 MS. CARTER: Object to the form.  
 14 A. Not other than what I've stated, asking --  
 15 Q. If Melvin was certified?  
 16 A. Right.  
 17 Q. And you've never had any more in-depth  
 18 conversations with Mr. Lowe?  
 19 A. In-depth conversations with Mr. Lowe?  
 20 Q. I'm sorry. Strike that.  
 21 You never had any other in-depth  
 22 conversations with Mr. Barker about Melvin  
 23 Lowe?

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1 A. No.  
 2 Q. Did you ever speak to Mr. Barker at a  
 3 restaurant one day about Melvin Lowe?  
 4 A. Right. That's when I talked to him. When  
 5 I asked him about Melvin Lowe and the  
 6 special ed position was at lunch when I saw  
 7 him at a restaurant.  
 8 Q. Did you ever have any other conversations  
 9 with him over the phone?  
 10 A. No. Mr. Barker?  
 11 Q. I'm sorry. Yes, Mr. Barker.  
 12 A. No.  
 13 Q. Have you ever had any conversations with  
 14 Carolyn Hicks about Melvin Lowe?  
 15 A. No.  
 16 Q. Have you ever had a conversation about  
 17 Carolyn Hicks -- did you ever speak to  
 18 Carolyn Hicks about the administrative  
 19 position?  
 20 A. No.  
 21 Q. Was there ever a time when Carolyn Hicks  
 22 told you that Melvin Lowe had changed his  
 23 mind with regard to interest in a position



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1 at your school?  
2 A. No.  
3 Q. Is there someone at your school that -- by  
4 the name of Rodonna?  
5 A. Ladonna?  
6 Q. Ladonna?  
7 A. Rudolph. Yes.  
8 Q. Have you ever had any conversations with  
9 her about wanting to hire Melvin Lowe for a  
10 position?  
11 A. Yes.  
12 Q. And what was the context of those  
13 conversations?  
14 A. That she had -- knew Melvin Lowe. I don't  
15 know if she worked with Melvin Lowe or  
16 not. That was pretty much it. She's  
17 serving as our SELF, special ed lead  
18 facilitator, and I usually would throw  
19 names at her, say, hey, how about this  
20 person? You know, I talked to this person  
21 or I'm going to interview this person. And  
22 that was pretty much it.  
23 Q. So did she mention Melvin Lowe's name with

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1 for one of the four interviews at your  
2 office?  
3 A. I felt the four that I chose had a better  
4 interview. I felt that the four that I  
5 chose would serve McKee Junior High School  
6 better. It was my decision to choose those  
7 four that I chose, and Mr. Lowe was not one  
8 of them.  
9 Q. Was there anything based on your choice not  
10 to pursue your interview with Melvin Lowe  
11 on your personal relationship with him?  
12 A. No.  
13 Q. Did you ever tell Mike Looney that you  
14 wanted to hire Melvin Lowe for the  
15 administrative assistant position?  
16 A. No.  
17 Q. Did you ever tell him that you wanted to  
18 hire Melvin Lowe for the special ed  
19 position?  
20 A. No.  
21 Q. Are you aware of anything in Mr. Lowe's  
22 history, his teaching history that may have  
23 reflected negatively on your opinion of

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1 regard to a special ed position?  
2 A. Well, I mentioned it.  
3 Q. I'm sorry. You mentioned it to her?  
4 A. Right. That I had talked to Melvin about a  
5 special ed position.  
6 Q. And what did she say in response to that?  
7 A. She didn't say anything one way or the  
8 other, other than, you know, if -- she knew  
9 of him. I don't remember how she said she  
10 knew him, if she took classes with him or  
11 worked with him. I know she worked in  
12 Bullock County and I know Mr. Lowe worked  
13 in Bullock County. I don't know if that's  
14 when they were there together.  
15 Q. With regard to the administrative assistant  
16 position in 2004-2005, you said you had  
17 spoken to Melvin Lowe about the possibility  
18 of administrative SIA or reading coach at  
19 your school --  
20 A. Right.  
21 Q. -- at some point?  
22 A. Right.  
23 Q. Okay. Why was it -- was Melvin not chosen

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1 him?  
2 A. Other than what I have talked a little  
3 about in the past.  
4 Q. And what is that?  
5 A. Well, different situations, different  
6 schools. I felt Mr. Lowe had bounced  
7 around to different schools within the  
8 school system. And I know he went to  
9 Bullock County. I think then he came  
10 back. So it seemed to me that Mr. Lowe was  
11 always receiving a pink slip at the end of  
12 the year or being nonrenewed at the end of  
13 the year, but then somehow, some way, being  
14 able to secure a position for the next  
15 year.  
16 Q. Did y'all ever discuss any of the  
17 situations where he was nonrenewed at any  
18 of his prior teaching assignments?  
19 A. Not in depth. I guess maybe just as a  
20 motivating thing, you know, in talking with  
21 him as a friend, you know, I would say,  
22 well, you know, you'll pick something up  
23 or, you know, it's always a job somewhere

11 (Pages 41 to 44)

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1 or you'll get on somewhere, I'll keep my  
2 ears open or my eyes open, if I find out  
3 something, I'll call you and let you know  
4 type conversation.  
5 Q. Okay. Was there anything else in  
6 Mr. Lowe's work history that you were aware  
7 of that may have reflected on your decision  
8 not to interview him?  
9 A. No.  
10 Q. And so the only reason that you chose not  
11 to interview him was because the four  
12 candidates that you did interview  
13 interviewed you felt better than Mr. Lowe  
14 did?  
15 A. Right.  
16 Q. Are you aware of the lawsuit that Mr. Lowe  
17 has filed against the school board?  
18 MS. CARTER: Now?  
19 A. I am now, yes.  
20 Q. Were you aware of it prior to receiving a  
21 notice of deposition for today?  
22 A. No.  
23 Q. Have you and Mr. Lowe ever discussed the

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1 EEOC claim that he has against the school  
2 board?  
3 A. EE --  
4 MS. CARTER: Equal Employment  
5 Opportunity Commission.  
6 A. No.  
7 Q. Were you even aware that there was one  
8 prior to me just mentioning that to you?  
9 A. No, other than when I first found that I  
10 had to come and talk to you-all. I was  
11 unaware of what was going on.  
12 Q. Have you and Mr. Lowe ever discussed in a  
13 professional capacity or as friends his  
14 differences of opinion with anybody in the  
15 school system?  
16 A. Yes. I guess if you have a disagreement,  
17 you know, you may have a disagreement in a  
18 working relationship. For example, if  
19 Mr. Lowe's in school and he made a decision  
20 to do something and a couple other teachers  
21 didn't like it and Mr. Lowe had to go and  
22 confront those two teachers and reiterate  
23 his point of view and why he decided that.

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1 Conversations like that, yes, but --  
2 Q. How good of friends are y'all? I mean, do  
3 you talk regularly?  
4 MS. CARTER: Object to the form.  
5 Q. I mean --  
6 MS. CARTER: Go ahead. You can  
7 answer.  
8 Q. Do you and Mr. Lowe speak regularly on the  
9 phone?  
10 A. We haven't lately. I mean, I would invite  
11 him to my house if I was having a picnic or  
12 something. I've been to his house and his  
13 brother's house. His brother dee-jayed my  
14 New Year's party. I've got his number in  
15 my cell phone, so I could pick it up and  
16 call him if I want to. You know, we  
17 conversate a lot I guess during the  
18 summertime when he was looking for a job  
19 and whatnot.  
20 Q. How long have y'all been friends?  
21 A. I would guess since Alabama State, since  
22 attending Alabama State. That's --  
23 Q. I was just trying to figure out --

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1 A. -- I would say 2000, 2001 maybe, maybe  
2 2002.  
3 Q. So since about 2000, 2001?  
4 A. Maybe 2000 --  
5 Q. You said 2001, you got your master's from  
6 ASU. Somewhere around there?  
7 A. Yes, in that time. We haven't taken every  
8 class together, but we've taken some  
9 classes. Maybe some EDS classes together.  
10 Q. Okay. Just so that I'm clear on the  
11 process that you go about for hiring  
12 teachers, when you have a teacher position  
13 you obviously discuss it with Mr. Barker at  
14 HR --  
15 A. Right.  
16 Q. -- that you're in need of someone, and this  
17 position is advertised?  
18 A. Right.  
19 Q. Do candidates contact you or do they  
20 contact human resources expressing interest  
21 in the job?  
22 A. Both.  
23 Q. Okay.

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1 A. Any candidate will contact me, I would send  
2 them down to the central office to make  
3 sure they have an application and went  
4 through the paperwork, the initial process.

5 Q. Okay.

6 A. So --

7 Q. Is there an interview process at the  
8 central office prior to you speaking to the  
9 candidates?

10 A. I would think that -- There is something  
11 in the summertime. I would think that  
12 someone in the staff talks with central  
13 office personnel. I don't know. If  
14 someone called me tomorrow for that special  
15 ed position that I have, I would send them  
16 down to the board to make sure they have  
17 the paperwork. I don't think that they  
18 would go through an interview process at  
19 the board first. I think that they would  
20 just check to see if they have the  
21 paperwork in and --

22 Q. That's where my confusion was. I thought  
23 you had said earlier that there was an

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1 but not certified, working on  
2 certification, or possibly this one is  
3 nonrenewed. That type of information is  
4 also provided. So that led me to believe  
5 that the candidates at some point talked  
6 with central office personnel.

7 Q. Okay. Now, the list that you get from HR,  
8 what information is included on this list?

9 A. Name, telephone number, degree. Then,  
10 again, on the end, if they were  
11 nonrenewed -- a nonrenewed teacher. I  
12 think that's given. If they interviewed  
13 well, I think that information is on  
14 there. I think -- and I can't remember  
15 what symbols or numbers or the actual  
16 wording of it.

17 Q. Okay.

18 A. But a category that they were placed in,  
19 number one, two, or three. But it was  
20 helpful to principals to see that  
21 information so that we know, okay, this is  
22 a strong candidate according to our central  
23 office, or this one is certified in

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1 interview at the board. Is there?

2 MS. CARTER: Object to the form.

3 Q. Is there an interview at the board when  
4 someone first comes in? Not at the board.  
5 Well, at the human resources.

6 A. I would think in the screening process that  
7 the human resource department -- and I  
8 think much of that may be done in the  
9 summertime. That screening process may  
10 entail looking at the applications. But  
11 some way, somehow, the actual list that we  
12 get is formed for principals to look at at  
13 the beginning of each summer of the  
14 applicants. I would think that in the  
15 process of that, some of them may talk to  
16 central office personnel just to clarify  
17 some things.

18 They may interview through -- I think  
19 there's a code on the end of each name  
20 where candidates have been interviewed,  
21 where this one interviewed with us well or  
22 this one didn't interview well but is on  
23 the list or this one is highly qualified

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1 whatever area. It may be science, but I'm  
2 biology certified or I'm chemistry  
3 certified. So that type of information is  
4 on that list.

5 Q. So the people on the list are separated  
6 based on their teaching specialties? Is it  
7 divided up by science teacher or by  
8 certification?

9 A. Just science teacher, math teacher, English  
10 teacher, special ed teacher, so forth.

11 Q. And on this form, there's a ranking of the  
12 candidates?

13 A. Not all of them will have a ranking. Just  
14 as much information as the central office  
15 can give us about them to kind of help us  
16 make a decision in making calls to the  
17 people.

18 Q. When you get this list, do you ever call  
19 central office to check up on people who  
20 don't have a ranking or to get additional  
21 information for anybody on that list prior  
22 to an interview?

23 A. No. If they're on the list, I just try to



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1 call them and secure an interview and take  
2 it from there. Sometimes I have to call to  
3 update the list, especially during the  
4 summer, because some people may be hired  
5 during the process and so you need an  
6 updated list so you won't keep calling  
7 people who have already received a job.  
8 Q. Do you know what the basis of the ranking  
9 system is that the school board uses for  
10 this list? Or what is your understanding  
11 that the ranks mean?

12 MS. CARTER: Object to the form.  
13 A. I understand it to mean if this person  
14 answered any questions or spoke well or  
15 appeared to be a hireable person and got  
16 a -- in this example, a one compared to a  
17 two, then I would opt to call that person  
18 first. But as you call people, you can  
19 tell and see for yourself that that person  
20 spoke well or that person represented  
21 themselves well or I think I would hire  
22 that type of person. So I guess those  
23 numbers or that information that you got

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1 was pretty much justified.  
2 Q. What about the people without a ranking?  
3 A. They're also called. Everyone didn't  
4 receive one. Again, it's different type of  
5 information on there. Some people are  
6 nonrenewed people, so -- again, when I get  
7 the list, I'm calling everybody on the list  
8 to try to set up interviews. Those people  
9 who fit my school I look for if they're  
10 highly qualified and then if they're  
11 certified, and then I try to secure an  
12 interview.  
13 Q. Has there ever been a situation where you  
14 were -- after you recommended an individual  
15 for a position, you had a conversation with  
16 someone at HR, Mr. Barker or someone at HR  
17 where you have been asked to reconsider  
18 your recommendation?  
19 A. Unh-unh (negative response).  
20 Q. Have every one of your recommendations that  
21 you've given to HR just been accepted as  
22 such?  
23 A. Except the situation I mentioned before

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1 with the teacher who couldn't get out of  
2 her contract. I can't think of anyone that  
3 I've recommended that I didn't receive.  
4 I think that our school, McKee Junior,  
5 has been given priority in hiring because  
6 of the Title I status and the lower scores  
7 on the SAT/ARMT. I haven't had a problem  
8 with anybody that I've recommended to  
9 Mr. Barker or Ms. Hicks in my experience.  
10 Q. Okay. Can you recall any conversations,  
11 any other conversations with Mr. Barker  
12 regarding Melvin Lowe other than the day  
13 that you asked if he was certified for  
14 special ed and the other conversation where  
15 you mentioned your interest in hiring him  
16 for administrative assistant?  
17 A. No.  
18 Q. So there is no other conversation that  
19 you've had with Mr. Barker regarding Melvin  
20 Lowe other than these two?  
21 A. Right.  
22 Q. Have you ever had any conversation at all  
23 with Carolyn Hicks about Melvin Lowe?

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1 A. No.  
2 Q. Have you ever had any conversation at all  
3 with Carlinda Purcell about Melvin Lowe?  
4 A. No.  
5 Q. Have you ever had any conversation at all  
6 with anyone at human resources about Melvin  
7 Lowe?  
8 A. No.  
9 Q. Are you aware at all of a lawsuit that was  
10 filed by Melvin Lowe's mother several years  
11 ago against the school board?  
12 A. No.  
13 (Brief recess.)  
14 Q. (Ms. Dugas continuing) Mr. Abrams, when  
15 you were hiring for the administrative  
16 assistant position, you stated -- you told  
17 me that you narrowed it down to four  
18 people, and that the reason that you did a  
19 follow-up interview with them at your  
20 office is because you felt that they were  
21 better.  
22 A. Uh-huh (positive response).  
23 Q. How did you -- what was that based on?



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1 Better how?  
2 A. Based on my feeling. Based on the actual  
3 interview. In trying to select an  
4 administrative assistant at the time,  
5 assistant principal now, I felt that the  
6 four people that I picked for a second  
7 interview could serve in that capacity.  
8 And I think they all four are serving in  
9 some sort of administrative capacity. I  
10 think one went back to Tuskegee where she  
11 was from. I just felt confident in myself  
12 and the feeling that I had inside my body  
13 that one of these four would be an  
14 assistant for me.  
15 Q. Now, was this based on their answers to  
16 interview questions?  
17 A. Based on answers to interview questions,  
18 based on the vibe that I personally got  
19 from them, you know, based on the group  
20 that I sat and listened to, I felt that one  
21 of the four would or could do the job.  
22 Q. Did you feel that Melvin Lowe did not  
23 answer the questions well that were posed

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1 to him?  
2 A. No, I didn't feel he answered any questions  
3 wrong. Again, he speaks very well,  
4 represents himself very well in the  
5 interview process. I just felt that I  
6 could make a decision for my school based  
7 on one of those four.  
8 Q. So there was nothing wrong in any of the  
9 interview questions that Melvin answered?  
10 A. No. Not in my opinion, no.  
11 Q. Do you and Melvin Lowe have a good  
12 relationship, the two of you?  
13 A. I think so.  
14 Q. Now, when you do your initial -- your  
15 follow-up interview -- let me just --  
16 And that was solely what you based the  
17 four people, choosing those four people  
18 on --  
19 A. Uh-huh (positive response).  
20 Q. -- was the answers to the questions and the  
21 vibe that you got from them?  
22 A. Right.  
23 Q. Now, the four people, when you did do the

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1 follow-up interview at your office, did you  
2 have the questions written down?  
3 A. Uh-huh (positive response).  
4 Q. Do you still have --  
5 MS. CARTER: Say yes or no.  
6 A. Yes, ma'am. Yes. I'm sorry.  
7 Q. Do you still have those questions?  
8 A. Yes.  
9 Q. Are there any documents --  
10 A. Yes.  
11 Q. -- from those interviews?  
12 A. Yes.  
13 Q. Are there any notes that you still have  
14 from those interviews?  
15 A. Yes.  
16 Q. Was there some kind of scoring system that  
17 you used when interviewing those  
18 candidates?  
19 A. You mean the -- what I did with the  
20 information, I compared how each person  
21 answered the question. I didn't assign  
22 points per se. All of the questions were  
23 situational questions: What would you do

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1 if?  
2 Q. Okay.  
3 A. What would you do if the principal wasn't  
4 in the building and this scenario happened?  
5 Q. Okay.  
6 A. And so just comparing the answers from the  
7 four people, I had in my mind a preset  
8 answer of what I would like my  
9 administrator to do and to see which person  
10 answered as close to that situation.  
11 Q. Did you ever pose any of these questions to  
12 Melvin Lowe at any point either on the  
13 phone or just in your conversations about  
14 this position?  
15 A. No.  
16 Q. What was the criteria that you had set or  
17 established for this position? Did you  
18 have any preset criteria of what you wanted  
19 this applicant to possess?  
20 MS. CARTER: Object to the form.  
21 A. No.  
22 Q. No. With regard to Sonia Floyd, the person  
23 who filled this position, what kind of

15 (Pages 57 to 60)

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1 degrees does she have?  
2 A. I believe she has a math degree. I believe  
3 she's certified as a math teacher at  
4 Brewbaker. I believe she has a master's in  
5 administration.  
6 Q. Do you know if she has her Alabama  
7 administrative certificate?  
8 A. Alabama --  
9 Q. Like the state of Alabama administrative  
10 certificate?  
11 A. Yes. Yes.  
12 Q. Do you know when she acquired the  
13 administrative certificate?  
14 A. I'm not sure.  
15 Q. Okay. Do you know if it was within the  
16 last two years or if she's had it for  
17 several years?  
18 A. It was before she was hired.  
19 Q. Okay. Was it before she was interviewed  
20 for the position?  
21 A. I'm not sure. I would imagine that  
22 everyone that was interviewed for the  
23 position had their degrees and

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1 certifications.  
2 Q. Okay.  
3 A. And that was done I would imagine through  
4 the central office.  
5 Q. Had she had any previous administrative  
6 experience?  
7 A. No.  
8 Q. What was her previous experience prior to  
9 coming to McKee?  
10 A. I believe she was a math teacher at  
11 Brewbaker.  
12 Q. Do you know how long she taught math at  
13 Brewbaker?  
14 A. I'm not sure. I believe she was a tenured  
15 teacher. I think she spent some years in  
16 Florida as a teacher. I know, but I don't  
17 know right offhand. I have it written  
18 down.  
19 Q. About how long has she been in the school  
20 system, do you know, whether Alabama or  
21 Florida?  
22 A. I would think at least four or five years.  
23 Q. Okay. And when you were in the process of

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1 conducting this hiring for the  
2 administrative assistant position, did you  
3 have any discussions with Mr. Barker or  
4 anybody at central office that we haven't  
5 talked about already about the position  
6 itself?  
7 A. No. The only question -- the only  
8 conversations I had, again, with Mr. Barker  
9 was in talking about other people and  
10 trying to get advice on establishing a  
11 team.  
12 Q. What kind of advice did he give you as far  
13 as establishing a team?  
14 A. You know, other than just going through the  
15 normal hiring process.  
16 Q. And I guess I'm not that familiar with the  
17 school board's hiring process, so that's  
18 why -- what kind of advice did he give you  
19 as a new principal when you were  
20 establishing your team for this position?  
21 A. Right. Again, other than the normal hiring  
22 process. Nothing out of the ordinary I  
23 could say or I would say. Simple

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1 conversations about, you know, number of  
2 teachers that you need and -- you know, I  
3 can't pinpoint an exact quote or anything,  
4 but it was -- it was nothing out of the  
5 ordinary. Talking about being a new  
6 principal and having a staff, hiring  
7 teachers and the number of staff members  
8 that I had there at the school, numbers of  
9 students at the school, different positions  
10 at the school. Just trying to get a feel  
11 for what was there before I got there, you  
12 know.  
13 Q. And I know that Mr. Barker is very familiar  
14 with all of the employees in his system.  
15 A. Right.  
16 Q. Did y'all have any discussions as far as  
17 the personalities of your teachers or the  
18 dynamics of McKee and what types of people  
19 would fit into that to make the school run  
20 well or --  
21 A. No. Ms. Green had left me a list of  
22 personality traits of the teachers, so I  
23 was familiar with that. You know, if it

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<p>1 was a situation where I needed to consult                  2 with Mr. Barker, for example, a teacher                  3 being late, constantly being late, a                  4 teacher not doing lesson plans and so                  5 forth, I could consult with Mr. Barker on                  6 that. But much of, again, the personality                  7 information I received from Ms. Green and                  8 another -- a woman that was there before I                  9 got there who was leaving who was serving                  10 as SIA or education specialist, curriculum                  11 specialist.                  12 Q. Okay. Now, when you talked to Mr. Barker                  13 about the administrative assistant position                  14 with regard to Melvin, when you asked him                  15 about Melvin Lowe specifically, and you --                  16 you said you called him and threw out                  17 Melvin's name to him. Was his only                  18 reaction that Melvin was qualified?                  19 A. Pretty much.                  20 I actually went in and talked to him.                  21 We didn't talk on the phone about it. It                  22 was -- I went in and saw him.                  23 Q. Okay.</p>	<p>1 about him?                  2 A. Well, considering the possibility of hiring                  3 him, yes.                  4 Q. Okay. And what changed whereas Melvin Lowe                  5 did not get an interview, a follow-up                  6 interview with you?                  7 A. Again, the fact that the people that --                  8 when I sat in on the interview, people that                  9 I talked -- that talked to us, those four                  10 people that I called back for a second                  11 interview I felt would serve my                  12 administration, our administration at McKee                  13 Junior High School better.                  14 Q. Okay. And did you go back and -- with each                  15 candidate and ask Mr. Barker his input on                  16 the other candidates that you thought were                  17 possibilities for the position?                  18 A. No.                  19 Q. Okay.                  20 MS. CARTER: I'm going to have to                  21 take a break.                  22 (Brief recess.)                  23 Q. (Ms. Dugas continuing) Did you ever tell</p>

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<p>1 A. Talked about some other things.                  2 Yes. He was certified, qualified, you                  3 know. I felt potentially that it could be                  4 a working situation, again, just throwing                  5 the names out, you know. I had talked to                  6 him about Dr. McCorvey, who is still there,                  7 and just talking about people in general,                  8 the possibility of people.                  9 Q. And you said basically, all he told you was                  10 that -- I don't know that basically was the                  11 word that you used -- that Melvin was                  12 qualified. And you spoke to him because                  13 you saw a possibility?                  14 A. Right.                  15 Q. Did your seeing a possibility with hiring                  16 Melvin Lowe change based on your                  17 discussions that you had with Mr. Barker?                  18 A. No. No.                  19 Q. So were you ever considering hiring Melvin                  20 Lowe for this position?                  21 A. Yes.                  22 Q. Were you considering hiring Melvin Lowe for                  23 the position when you asked Mr. Barker</p>	<p>1 Melvin Lowe that you couldn't hire him                  2 because you were told that you had to hire                  3 a female?                  4 A. No.                  5 Q. I know that you and Mr. Lowe are friends.                  6 A. Uh-huh (positive response).                  7 Q. Did you ever tell him somewhere along the                  8 line during conversations why he wasn't                  9 hired for this position?                  10 A. No.                  11 Q. Did it ever come up in conversation?                  12 A. I don't think that it did. I know that we                  13 didn't talk about it after the interview.                  14 Q. Okay.                  15 A. No.                  16 Q. Okay. So you never discussed these                  17 positions following the interview?                  18 A. Other than I'm, you know, going a different                  19 route and I'm talking to some people and                  20 that he wasn't going to be the one that I                  21 hired.                  22 Q. So you gave -- you gave him a heads up that                  23 you were looking toward some other</p>



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1 candidates?

2 A. Right. We did talk about that.

3 Q. Okay. And did you give him any kind of

4 reason as to why you were going with these

5 other candidates?

6 MS. CARTER: Object to the form.

7 A. No.

8 Q. Okay. Did he ask you why you were not

9 following up with him or considering him

10 for the position?

11 A. No. I think the impression that I got from

12 Mr. Lowe, that he may have been bitter or

13 angry. Not at myself, but at people in the

14 central office. Other than that...

15 Q. And what gave you that impression?

16 A. Again, in the conversations that we have

17 had in the past, I just felt that Mr. Lowe

18 felt that the central office was out to get

19 him. That necessarily wasn't the case in

20 our situation, but that's the impression

21 that I got from him. And, again, what I've

22 always said to him is, you know,

23 something's going to come up. I'm going to

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1 keep my eyes and ears open. I'll call you

2 and let you know if something does come

3 up. I think that's the extent of that.

4 Again, that's just my impression that I

5 received, that I got from Mr. Lowe.

6 Q. And this impression was based solely on

7 your conversations with --

8 A. Based solely on conversations --

9 MS. CARTER: I know you're both

10 talking, but let her finish

11 her question.

12 A. I'm sorry.

13 Q. And this impression was based solely upon

14 conversations that you had with Melvin

15 Lowe?

16 A. Yes.

17 Q. Did you ever tell Melvin Lowe anything that

18 would give him the impression that central

19 office was blocking his appointment?

20 A. No.

21 Q. Are you aware personally of any negative

22 feelings that anyone from the board or

23 human resources or Mr. Barker may have for

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1 Melvin Lowe?

2 A. No.

3 Q. For the other three teachers that -- other

4 three candidates -- we've already talked

5 about Sonia Floyd.

6 A. Uh-huh (positive response).

7 Q. What was their certification and education?

8 A. I believe their certification was

9 administration certification --

10 Q. And --

11 A. -- and certificate, yes.

12 Q. Let me make sure we've got it. LaMetra

13 James?

14 A. Yes.

15 Q. Okay. And did she have administrative

16 certification?

17 A. Yes.

18 Q. And do you know what her educational level

19 was?

20 A. You mean her background?

21 Q. Whether she had a master's or bachelor's.

22 A. Master's.

23 Q. Okay. Had she had any previous experience

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1 in administration?

2 A. I don't think so.

3 Q. Okay. Was she at the time a classroom

4 teacher?

5 A. I thought she was math. She was hired by

6 the system as a math coach.

7 Q. Okay.

8 A. And that's the job she has now, so I'm of

9 the impression that she had some sort of

10 math background.

11 Q. Okay. And Roderick Jones? Was that --

12 A. James.

13 Q. James. I can barely read my handwriting.

14 A. I believe he had his master's in

15 administration. I believe he had some

16 experience.

17 Q. And Melissa Williams was the third person?

18 A. Yes.

19 Q. And did she have an administrative

20 certificate?

21 A. Yes.

22 Q. Do you know what her educational background

23 was?



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1 A. I believe she had a master's and she had  
2 experience with being an SIA. I believe it  
3 was from a different school system.  
4 Q. Okay. If the certification issue had not  
5 come up, would you have recommended Melvin  
6 Lowe for the special ed position?  
7 MS. CARTER: Object to the form.  
8 A. If I had interviewed him for the special ed  
9 position and he was certified in it, yes.  
10 Q. Were there ever any SIA or reading coach  
11 positions that ever became available at  
12 McKee High School?  
13 A. No.  
14 Q. Okay. That's it.  
15  
16

\*\*\*\*\*

17 FURTHER DEPONENT SAITH NOT

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18  
19  
20  
21  
22  
23

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1 contain a true and correct transcript of the  
2 examination of said witness by counsel for the  
3 parties set out herein. The reading and signing of  
4 same is hereby waived.

5 I further certify that I am neither of kin  
6 nor of counsel to the parties to said cause nor in  
7 any manner interested in the results thereof.

8 This 31st day of January 2006.  
9  
10  
11

12 Patricia G. Starkie, Registered  
13 Diplomate Reporter, CRR, and  
14 Commissioner for the State  
15 of Alabama at Large  
16  
17  
18  
19  
20  
21  
22  
23

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1 REPORTER'S CERTIFICATE  
2 STATE OF ALABAMA:  
3 MONTGOMERY COUNTY:  
4 I, Patricia G. Starkie, Registered  
5 Diplomate Reporter, CRR, and Commissioner for the  
6 State of Alabama at Large, do hereby certify that I  
7 reported the deposition of:  
8 BOBBY E. ABRAMS, JR.  
9 who was first duly sworn by me to speak the truth,  
10 the whole truth and nothing but the truth, in the  
11 matter of:  
12 MELVIN LOWE,  
13 Plaintiff,  
14 Vs.  
15 MONTGOMERY COUNTY BOARD  
16 OF EDUCATION, et al.,  
17 Defendants.  
18 In The U.S. District Court  
19 For the Middle District of Alabama  
20 Northern Division  
21 Case Number 2:05-CV-0495  
22 on January 24, 2006.  
23 The foregoing 73 computer printed pages

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